

EXHIBIT A

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

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)
In Re: Bair Hugger Forced Air) File No. 15-MD-2666
Warming Devices Products) (JNE/FLN)
Liability Litigation)
) December 21, 2017
) Minneapolis, Minnesota
) Courtroom 12W
) 9:52 a.m.
)
)

BEFORE THE HONORABLE JOAN N. ERICKSEN
UNITED STATES DISTRICT COURT JUDGE

THE HONORABLE FRANKLIN L. NOEL
UNITED STATES MAGISTRATE JUDGE

(STATUS CONFERENCE)APPEARANCESFOR THE PLAINTIFFS:

MESHBESHER & SPENCE
Genevieve M. Zimmerman
1616 Park Avenue
Minneapolis, MN 55404

CIRESI CONLIN
Michael Sacchet
225 South 6th Street
Suite 4600
Minneapolis, MN

KENNEDY HODGES, LLP
Gabriel Assaad
4409 Montrose Blvd
Suite 200
Houston, TX 77006

1 deadlines have to be met that, you know, a lot of time
2 passed before the PFS came in. In this case, we don't
3 oppose the setting aside the dismissal.

4 THE COURT: All right. And that is 17CV2395,
5 docket, right?

6 MR. PAREKH: Yes, Your Honor. The Hecht case.

7 THE COURT: All right. Your motion is granted.

8 MR. PAREKH: Thank you, Your Honor.

9 MR. HULSE: The related issues, Your Honor, the
10 defendants have proposed a process to deal with the
11 plaintiffs who pass away after the filing of their lawsuits.
12 The plaintiffs, I think their position is they don't think
13 an order like this is necessary. And let me tell you given
14 the background of rules that we have why we have proposed
15 this, and it's something that's been done in other MDLs, if
16 this is an okay time to talk about this issue.

17 So the issue is that Rule 25A, which provides the
18 process for suggestion of death, it doesn't actually provide
19 a date by which a suggestion of death needs to be filed. So
20 what we've learned over the last several months is that we
21 have dozens and maybe perhaps a hundred plaintiffs who have
22 passed away since filing lawsuits, and they're just
23 lingering out there.

24 Many already had compliant PFSs, so there is no
25 way we would know through the PFS process that somebody has

1 passed away. And if we weren't in an MDL, this would have
2 been addressed. But because we are in an MDL without a
3 focus on these cases, these just sort of linger out there.
4 And if the plaintiffs don't tell us or file a suggestion of
5 death, we don't know about it.

6 So what we've been doing, the defendants, is when
7 we find out about one of these cases, we file a suggestion
8 of death. So what we're proposing here is an Order that is
9 just copied from the *Aredia and Zometa MDL* from a few years
10 back, which would put in a requirement that plaintiffs file
11 a suggestion of death within 30 days of the death of their
12 client. We think that's a reasonable requirement. And
13 after that, we basically follow the process set by the rule.

14 The other thing that we've incorporated is the
15 Court's prior ruling. This is on July 24th having to do
16 with the *Harkleroad* case. That with the substitution, there
17 has to be a completed, verified PFS served on the defendants
18 too. So we don't -- so the expectations are clear, and that
19 would just be taking that ruling from the *Harkleroad* case
20 and extending it across the MDL.

21 So I do have, if the Court is interested, copies
22 of the Order from the *Aredia and Zometa MDL* that this is
23 copied from. The plaintiffs have indicated in meet and
24 confer correspondence that they are concerned that this
25 impinges on State Court rules and laws for appointment of

1 representatives and special administrators. We don't see
2 that at all. That is something that comes up when a motion
3 for substitution has been filed, then we have to be in
4 compliance with whatever the state rule is for being a
5 proper party to be substituted. But there's nothing
6 contrary to state law in requiring plaintiffs to file a
7 suggestion of death within 30 days of their client's death.

8 MAGISTRATE JUDGE NOEL: And that's the only
9 constraint in your proposal is the 30 days to file the
10 suggestion, then there's no other time limit or requirement
11 that things happen in any given time frame.

12 MR. HULSE: The only other requirement that really
13 goes beyond the rules is this PFS requirement that we've
14 picked up from the Court's July 24th ruling in Harkel Road
15 case.

16 THE COURT: Okay. So it's Rule 25 straight up
17 with the insertion of the 30-day.

18 MR. HULSE: Right.

19 THE COURT: Okay.

20 MR. HULSE: Which is a gap that maybe the rules
21 should fill at some point.

22 THE COURT: I'll get right on it. We meet in -- I
23 guess we don't meet until next year.

24 MR. HULSE: It's a funny rule.

25 THE COURT: Have you had this problem in other

1 case s?

2 MR. HULSE: There is a bit of an ambiguity in it
3 too in the Court's interpretation of what the word "service"
4 means in this rule too. I know Judge Noel is familiar with
5 this issue. He's confronted it before with some courts
6 taking the viewpoint that filing the suggestion of death and
7 service through ECF meets the service requirement.

8 Other courts have said you actually need to go and
9 find out anybody, find anybody who is a potential heir or
10 substitute plaintiff and actually serve them according to
11 state law rules, so there's a split of opinion on that.

12 THE COURT: Okay. Is there any objection to this?

13 MS. ZIMMERMAN: Your Honor, the plaintiffs'
14 primary objection is with respect to the 30 days. I mean,
15 unfortunately, the reality is a lot of times these people
16 will die and their family members may or may not have any
17 idea that they have a lawsuit pending.

18 So a lot of times the lawyers aren't going to be
19 advised within 30 days of the actual death. They've got a
20 lot to attend to during that time. So we would suggest that
21 it should be 30 days from the time that the lawyers are
22 provided notice about the death because it's just, it's an
23 onerous burden when lawyers don't necessarily know for many
24 months whether their next of kin are sorting through their
25 effects and trying to figure out what other paperwork needs

1 to be tended to.

2 So with that caveat, we recognize there is a duty
3 to provide a notice of suggestion of death upon the record
4 and whether it's service, as Mr. Hulse indicated, I don't
5 think that we're particularly concerned. The concern is
6 more it takes a while sometimes for the next of kin to
7 notify the lawyers. They may not know that they have a case
8 pending. So within 30 days of the lawyers knowing about it,
9 would be our request.

10 THE COURT: What's the longest State Court time
11 frame that's allowed? Because State Court, there is a
12 requirement that somebody take over the lawsuit in a
13 reasonable period of time. And it sounds like you've had
14 occasion to become familiar with the various state laws so
15 what's the --

16 MS. ZIMMERMAN: I wish I could tell you what the
17 longest is across the country. Usually, what I run into is
18 this reasonable time kind of language so that lawyers can't
19 just sit back and not do anything about it. And the same
20 thing goes for the next of kin, they do need to be
21 diligently working on handling the affairs and the effects
22 afterwards.

23 THE COURT: There's not even a reasonable time
24 requirement in Rule 25, is there?

25 MS. ZIMMERMAN: Not that I'm aware of.

1 MAGISTRATE JUDGE NOEL: I think where Judge
2 Ericksen is going -- maybe I'm wrong.

3 THE COURT: No, you're right.

4 MAGISTRATE JUDGE NOEL: Instead of 30 days from
5 when the lawyer learns, what if we just extended the 30 days
6 to some longer period of time? Would that be another way to
7 fix your concern?

8 MS. ZIMMERMAN: That's a good question, Your
9 Honor. I'd have to check and see if there was some kind of
10 outside back stop. If there is some state that says you get
11 a year or something like that. I'm not aware of that. As I
12 stand here, I think a year seems like a long time. I would
13 hope that people would be able to get lawyers notice within
14 a couple of months. Perhaps we can research to see if
15 there's some sort of state statute we would be running afoul
16 of and otherwise propose something to Your Honors.

17 THE COURT: Couldn't we do the 30 days, and then
18 if it turns -- so that triggers something, so then the
19 family gets notice. And if it turns out that they want to
20 take action, then you can come back and try to get it
21 re-upped, just like we did with this --

22 (Court conferring off the record.)

23 MR. HULSE: I think I could add something to this
24 sort of. All, of course, a suggestion of death is just the
25 statement on the record that the plaintiff has died. It

1 triggers the 90 day period for substitution. The advisory
2 committee notes make clear that the Court can grant for good
3 cause an extension of that 90-day period. So if basically
4 things are dragging out in State Court with the appointment
5 of the personal representative, counsel can come in and ask
6 for an extension.

7 MAGISTRATE JUDGE NOEL: That's not the concern.
8 And I understand the concern that Ms. Zimmerman raises is
9 that the lawyer who represents the plaintiff who is now dead
10 may not know that guy is dead for many more than 30 days
11 after he or she has died, and that that's the piece of your
12 proposal that's being attacked is that if I were to die and
13 I have a lawsuit pending, my wife may not even know I have a
14 lawsuit pending. And --

15 THE COURT: She wouldn't even know you're dead.
16 Get a different example.

17 MAGISTRATE JUDGE NOEL: I'm just going to let that
18 one go. The point is that the 30 days is too short a
19 window, 30 days from the date of death is too short of a
20 window for a lawyer to get that suggestion of death on the
21 record.

22 MR. HULSE: Here's a thought about that, and I'm
23 sympathetic to that. My suggestion would be to make it
24 60 days instead of 30. And here's the reason why I still
25 think it should be based on the death and not the notice.

1 If we weren't in an MDL, then the plaintiffs'
2 counsel would be in more regular contact with their clients.
3 Here, because we're in an MDL, if we don't require
4 plaintiffs' counsel to be checking in from time to time,
5 we're just going to end up in the same situation where
6 they're not in contact for a year with their clients, and we
7 really haven't fixed the problem. So we'd be fine with
8 60 days instead of 30. That gives a window for plaintiffs'
9 counsel to check in bimonthly with their clients, which
10 seems like a reasonable expectation to us.

11 THE COURT: There are ways to monitor.

12 MS. ZIMMERMAN: Yes, I mean there are a number of
13 those --

14 THE COURT: We can put a mirror over there or you
15 can take their blood pressure.

16 MR. HULSE: We'll check 80 percent of the cases.

17 MS. ZIMMERMAN: Mr. Assaad offers a good point,
18 who do we call because we don't, if the plaintiff is dead,
19 but.

20 MR. HULSE: In the PFS, of course, if you can't
21 reach your plaintiff for a period of time, then it probably
22 is time to call any of those other people who are listed in
23 the PFS, the family, or spouses. Many of these spouses, of
24 course, have a loss of consortium claim. So it doesn't
25 seem, again, it doesn't seem like anything other than the

1 regular expectation of diligent representation of your
2 clients.

3 MS. ZIMMERMAN: Well, I think the plaintiffs
4 respect that, and I think that we should afford these
5 families the opportunity to get with their lawyers and make
6 sure that we can go through the procedural requirements.
7 But I don't think that there's any prejudice to the
8 defendants, particularly if it's not a case that's presently
9 being worked up for trial, if they get a little bit of extra
10 time to gather paperwork.

11 THE COURT: Hold on, let's just think.

12 (Court conferring.)

13 THE COURT: All right. It will be 90 days from
14 the date of death. Plaintiffs' counsel files a suggestion
15 of death following which the Rule 25 procedures kick in.

16 MS. ZIMMERMAN: Thank you, Your Honor.

17 MR. HULSE: And, Your Honor, as far as our
18 Proposed Order?

19 THE COURT: It will be just like that only it will
20 be 90 days.

21 MR. HULSE: And should we submit one that makes
22 that revision?

23 THE COURT: No, we can do it.

24 MR. HULSE: Okay, we can do it.

25 MAGISTRATE JUDGE NOEL: Sorry for the next mixed

1 signal. I was saying yes.

2 THE COURT: I misspoke. I misspoke.

3 MAGISTRATE JUDGE NOEL: No, no, no, you spoke and
4 your word is the Order. So we can substitute 30 for 90 or
5 90 for 30.

6 THE COURT: I was just showing off that we were
7 able to do that.

8 MR. HULSE: The language is we'd like the PTO that
9 goes up on the website and everything, so everybody could
10 see it and so --

11 THE COURT: Could you just hold on for a second?

12 MR. HULSE: Of course.

13 (Court conferring.)

14 THE COURT: If you're willing to do it, would you
15 do it?

16 MR. HULSE: Of course.

17 THE COURT: Thank you. Okay. Done. All right.
18 What about these other ones?

19 MR. HULSE: I assume you're referring to PFSs,
20 Your Honor.

21 THE COURT: Yes.

22 MR. HULSE: There's nothing else to be decided
23 today. We'll have a motion for the next status conference
24 as the procedure goes that probably involves quite a few
25 more cases, but no other items for decision today, at least

EXHIBIT B

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

In Re: Bair Hugger Forced Air) File No. 15-MD-2666
Warming Devices Products) (JNE/DTS)
Liability Litigation)
August 16, 2018
Minneapolis, Minnesota
Courtroom 12W
9:50 a.m.

BEFORE THE HONORABLE JOAN N. ERICKSEN
UNITED STATES DISTRICT COURT JUDGE

THE HONORABLE DAVID T. SCHULTZ
UNITED STATES MAGISTRATE JUDGE

(STATUS CONFERENCE)APPEARANCES

FOR THE PLAINTIFFS: MESHBER & SPENCE LTD.
Genevieve M. Zimmerman
1616 Park Avenue
Minneapolis, MN 55404

PRITZKER HAGEMAN
David Szerlag
45 South Seventh Street
Plaza Seven Building, Ste. 2950
Minneapolis, MN 55402

CIRESI CONLIN LLP
Michael A. Sacchet
225 South Sixth Street
Suite 4600
Minneapolis, MN 55402

KENNEDY HODGES LLP
David W. Hodges
711 West Alabama Street
Houston, TX 77006

1 THE COURT: All right. So why should that not be
2 dismissed? Anybody want to speak on that?

3 MS. ZIMMERMAN: No, Your Honor.

4 THE COURT: Okay. That's dismissed.

5 *Bellande, et al.*, 16-cv-2700. Death occurred just
6 this past April. Suggestion of death comes June of 2018.

7 MR. HULSE: The death was actually December 2017,
8 Your Honor.

9 THE COURT: Oh. Because I thought what was the
10 problem there? Oh, I see. So the death happened then.
11 Then we have got the order.

12 MR. HULSE: Right, which gives everybody a safe
13 harbor at that point.

14 THE COURT: So the due date for the suggestion of
15 death was April and it didn't come in till June.

16 MR. HULSE: Correct, Your Honor.

17 MR. HODGES: Your Honor.

18 THE COURT: And then let me just -- hold on.
19 Okay.

20 MR. HODGES: Yes, Your Honor. David Hodges here
21 on behalf of the Bellandes.

22 This is an impossibility of performance situation
23 where we learned about the death -- the date you mentioned
24 was April 17th of 2018. There's no way that we could have
25 gotten it on file within those 90 days obviously because we

1 didn't learn until after the 90 days. This isn't willful
2 disobedience of a court's order. And under *Hunt versus City*
3 *of Minneapolis* in our brief, the case should be retained. A
4 PFS was submitted. There is absolutely zero prejudice to
5 the defendants on this. We move for leave for the
6 late-filed suggestion of death.

7 MR. HULSE: Your Honor.

8 THE COURT: Part of the purpose of issuing PTO 23
9 was to make sure that plaintiff kept in sufficient contact
10 with counsel, that we had a reasonably accurate sense of who
11 was alive and who was dead and what cases we had.

12 If I remember correctly, there was a request by
13 the defendants that the suggestion of death happen within
14 30 days. Plaintiffs said that's not really enough. It made
15 sense to me, so we made it 90, but that was all the result
16 of hearing and compromising. That's how we came up with the
17 90, was because it is not sufficient to sit back and wait to
18 find out whether people have died, but that it does require
19 keeping in contact with the plaintiffs to find out whether
20 they are alive or dead.

21 So how does just not like -- not being in
22 sufficient contact with the Bellandes to know that there had
23 been a death comply with the whole thing that we went
24 through when we came up with PTO 23, which is you can't just
25 sit back and do it? So, you know, had there been regular

1 contact you would have known, but there wasn't, so that's
2 how the -- that's how the date gets missed. So is that --

3 MR. HODGES: Your Honor, even in my single-event
4 cases I don't contact my clients every 60 or 90 days and ask
5 are you still alive. It sounds like, I think, an easier
6 task than it is. These are people that are elderly. As the
7 court is well aware, this is an older client population.
8 They get sick. They go to doctor's appointments. They go
9 into the hospital. Some of them go to nursing homes. Some
10 of them go and stay with relatives for extended periods of
11 time. So there's gaps in communication that just happen
12 normally. It doesn't mean the client is dead. And we're
13 kind of at a disadvantage there that when it does happen,
14 that the client is gone, they may not have informed the
15 relatives that, hey, I have this lawsuit pending. We are in
16 contact with them enough. Obviously, we found out within
17 several months, but -- or what was it? Four months or less
18 than four months we found out.

19 THE COURT: The problem is that's really a motion
20 to amend PTO 23. That's exactly the reason we said 90, is
21 because there are a lot of people, they are elderly. That's
22 how we arrived at 90. That's why I didn't give the
23 defendants the 30 they were asking for. But the order was
24 made with consideration to all the factors. And the factors
25 that you are listing are -- they are true, they are

1 accurate, they are legitimate. And the compromise that was
2 made was to have the 90-day filing. And so if the 90 days
3 comes and goes and we say, well, never mind, then we are
4 saying PTO 23 is --

5 MR. HULSE: Advisory.

6 THE COURT: That's not the word I was looking for.
7 I was looking for like abrogated without briefing.

8 MR. HODGES: Your Honor, perhaps it sounded
9 reasonable at the time. This has happened in a very
10 minority of situations, as the court is well aware of, and I
11 think each of them tends to be somewhat unique, but I would
12 ask that these plaintiffs be given their due process and
13 allowed for a technical violation. Again, there is
14 absolutely zero prejudice to the defendants in this case.
15 And perhaps PTO 23 seemed workable on the front end of
16 things, but I am telling you right now representing real
17 people here today it doesn't work for them and there was no
18 way we could have -- we could have done this or cured this.
19 There's no conscious disregard here. There's no willful
20 disobedience of PTO 23. The relatives didn't even know
21 about PTO 23.

22 THE COURT: PTO 23, there's been no motion to
23 amend it. There's no information before the court
24 explaining why contact couldn't be maintained. It does --
25 would require contact every 90 days.

1 I will hold off on ruling on the Bellandes pending
2 further submissions from counsel as to why PTO 23's 90-day
3 keeping in touch was not able to be complied with in that
4 case. And I don't have a motion to amend PTO 23, and I'm
5 not going to just amend it on the fly because of arguments
6 that were made at the time. That is my ruling with respect
7 to the Bellandes.

8 MR. HODGES: Your Honor, may I be heard on one
9 issue? We did originally ask for six months as opposed
10 to --

11 THE COURT: I have just ruled on the Bellande
12 issue.

13 MR. HODGES: Very well.

14 THE COURT: And we will put a date of one week for
15 further submissions explaining why in this particular case
16 it was not possible to comply with the Pretrial Order
17 No. 23.

18 MR. HULSE: Your Honor, I think we have covered
19 this, except maybe we should just mention that *Nickell* was
20 dismissed by stipulation. That was the one we hadn't -- I
21 don't think we touched on.

22 THE COURT: And the case number on that one?

23 MR. HULSE: That was Case No. 17-0428 -- I am
24 sorry -- 04285.

25 THE COURT: N-i --

EXHIBIT C

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR WARMING
DEVICES PRODUCTS LIABILITY LITIGATION

This Document Relates To:
All Actions

MDL No. 15-2666 (JNE/FLN)
[Proposed]
PRETRIAL ORDER NO. :
PLAINTIFF FACT SHEET

Plaintiff: James Lee

This Plaintiff Fact Sheet must be completed pursuant to the Pretrial Order by each plaintiff or their personal representative. Section IX must be completed by loss of consortium plaintiffs.

In completing this Fact Sheet, you are under oath and must provide information that is true and correct to the best of your knowledge. Please answer every question, and do not leave any blanks throughout this Fact Sheet. If you cannot recall all of the details requested, please provide as much information as you can. If a question is not applicable to you, please state "Not Applicable" or "N/A." If any information you need to complete this Fact Sheet is in the possession of your attorney or other representative, please consult with that attorney or representative so that you can fully and accurately respond to the questions. If you do not have room in the space provided to complete your answer, please attach as many sheets of paper as necessary to fully answer the questions. You are obligated to supplement your responses if you learn that they are incomplete or incorrect in any material respect. No answer requires any waiver of privilege.

As used herein, the term "communication" and/or "correspondence" shall mean and refer to any oral, written or electronic transmission of information, including, without limitation, meetings, discussions, conversations, telephone calls, memoranda, letters, e-mails, text messages, conferences, or seminars or any other exchange of information.

As used herein, the term "identify" or "identity" with respect to persons, means to give, to the extent known, the person's full name, their present or last known addresses and phone numbers.

As used herein, the term "person" means natural person, as well as corporate and/or governmental entity.

As used herein, "your attorney" refers to the attorneys that represent you individually in this lawsuit.

As used herein, the terms "Relating to," "relate to," "referring to," "refer to," "reflecting," "reflect," "concerning," or "concern" shall mean evidencing, regarding, concerning, discussing, embodying, describing, summarizing, containing, constituting, showing, mentioning, reflecting, pertaining to, dealing with, relating to, referring to in any way or manner, or in any way logically or factually, connecting with the matter described in that paragraph of these demands, including documents attached to or used in the preparation of or concerning the preparation of the documents.

VI. CURRENT CLAIM INFORMATION

1. Do you allege that you suffered physical and/or bodily injury related to use of a Bair Hugger system?

Yes

If "yes" : describe each bodily injury :

This request is vague, over-broad, and requires expert opinions; however, plaintiff asserts that the injuries include but are not limited to the following:: Knee got infected after initial surgery

State the approximate date on which you first became aware of the injury(ies) (regardless of whether you associated the injury with the use of a Bair Hugger system) :

Unknown at this time.

If you are currently experiencing any symptoms related to an alleged injury that you attribute to use of a Bair Hugger system, describe your symptoms and any treatment you are currently receiving :

N/A (Deceased)

Describe any activities that you can no longer perform, or cannot perform as well, since the time you allege you were injured :

Prior to death: Leg was stuck in a straight out position and could not walk, sit comfortably or drive. Could not walk without a walker could not bathe without help or assistance

Describe any other physical harm or consequences you suffered as a result :

Unknown at this time

2. Do you allege that use of a Bair Hugger system worsened or aggravated a previously existing injury or condition?

No

3. Do you claim damages related to emotional distress or psychological injuries as a result of use of a Bair Hugger system?

No

4. If you are claiming damages related to emotional distress, provide the following information for any psychiatrist, psychologist, or any other mental healthcare professional who has ever treated you, or who you

EXHIBIT D

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR WARMING
DEVICES PRODUCTS LIABILITY LITIGATION

This Document Relates To:
All Actions

MDL No. 15-2666 (JNE/FLN)
[Proposed]
PRETRIAL ORDER NO. :
PLAINTIFF FACT SHEET

Plaintiff: Ralph Maccarrone

This Plaintiff Fact Sheet must be completed pursuant to the Pretrial Order by each plaintiff or their personal representative. Section IX must be completed by loss of consortium plaintiffs.

In completing this Fact Sheet, you are under oath and must provide information that is true and correct to the best of your knowledge. Please answer every question, and do not leave any blanks throughout this Fact Sheet. If you cannot recall all of the details requested, please provide as much information as you can. If a question is not applicable to you, please state "Not Applicable" or "N/A." If any information you need to complete this Fact Sheet is in the possession of your attorney or other representative, please consult with that attorney or representative so that you can fully and accurately respond to the questions. If you do not have room in the space provided to complete your answer, please attach as many sheets of paper as necessary to fully answer the questions. You are obligated to supplement your responses if you learn that they are incomplete or incorrect in any material respect. No answer requires any waiver of privilege.

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As used herein, the term "identify" or "identity" with respect to persons, means to give, to the extent known, the person's full name, their present or last known addresses and phone numbers.

As used herein, the term "person" means natural person, as well as corporate and/or governmental entity.

As used herein, "your attorney" refers to the attorneys that represent you individually in this lawsuit.

As used herein, the terms "Relating to," "relate to," "referring to," "refer to," "reflecting," "reflect," "concerning," or "concern" shall mean evidencing, regarding, concerning, discussing, embodying, describing, summarizing, containing, constituting, showing, mentioning, reflecting, pertaining to, dealing with, relating to, referring to in any way or manner, or in any way logically or factually, connecting with the matter described in that paragraph of these demands, including documents attached to or used in the preparation of or concerning the preparation of the documents.

I. CASE INFORMATION

1. Name of person completing this form : Marissa Maccarrone
2. State the following for the civil action which you filed :
 - a. Current case caption : Ralph Maccarrone v 3M Company
 - b. Current case number : 0:16-cv-01832
3. State the name, address, telephone and facsimile numbers, and e-mail address of the principal attorney representing you :
 - a. Name : Daniel A. Nigh
 - b. Firm : Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
 - c. Address : 316 S. Baylen St. Suite 600, Pensacola, FL 32502
 - d. Telephone : (850)435-7000 Fax : (850)435-7020
 - e. E-mail : dnigh@levinlaw.com
4. If you are completing this questionnaire in a representative capacity (e.g., on behalf of an estate, or incapacitated or deceased person), please state the following information about yourself :
 - a. Name : Marissa Maccarrone
 - b. Any other names (e.g., maiden name or alias) you have used or by which you have been known and the dates you used those names : N/A
 - c. Your Address : 68 Mt. Pleasant Rd., Newton, CT 06470
 - d. Individual or estate you are representing, and in what capacity you are representing the individual or estate : Ralph P. Maccarrone; I am his daughter and next of kin
 - e. If you were appointed as a representative by a court, state the court : N/A
 - f. Date of Appointment :
 - g. State your relationship with the represented person claimed to be injured : Daughter
 - h. If you represent a decedent's estate, state the date and the address of the place of death : January 30, 2016, 68 Mt. Pleasant Rd., Newton, CT 06470

EXHIBIT E

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR WARMING
DEVICES PRODUCTS LIABILITY LITIGATION

This Document Relates To:
All Actions

MDL No. 15-2666 (JNE/FLN)
[Proposed]
PRETRIAL ORDER NO. :
PLAINTIFF FACT SHEET

Plaintiff: Maureen Overko

This Plaintiff Fact Sheet must be completed pursuant to the Pretrial Order by each plaintiff or their personal representative. Section IX must be completed by loss of consortium plaintiffs.

In completing this Fact Sheet, you are under oath and must provide information that is true and correct to the best of your knowledge. Please answer every question, and do not leave any blanks throughout this Fact Sheet. If you cannot recall all of the details requested, please provide as much information as you can. If a question is not applicable to you, please state "Not Applicable" or "N/A." If any information you need to complete this Fact Sheet is in the possession of your attorney or other representative, please consult with that attorney or representative so that you can fully and accurately respond to the questions. If you do not have room in the space provided to complete your answer, please attach as many sheets of paper as necessary to fully answer the questions. You are obligated to supplement your responses if you learn that they are incomplete or incorrect in any material respect. No answer requires any waiver of privilege.

As used herein, the term "communication" and/or "correspondence" shall mean and refer to any oral, written or electronic transmission of information, including, without limitation, meetings, discussions, conversations, telephone calls, memoranda, letters, e-mails, text messages, conferences, or seminars or any other exchange of information.

As used herein, the term "identify" or "identity" with respect to persons, means to give, to the extent known, the person's full name, their present or last known addresses and phone numbers.

As used herein, the term "person" means natural person, as well as corporate and/or governmental entity.

As used herein, "your attorney" refers to the attorneys that represent you individually in this lawsuit.

As used herein, the terms "Relating to," "relate to," "referring to," "refer to," "reflecting," "reflect," "concerning," or "concern" shall mean evidencing, regarding, concerning, discussing, embodying, describing, summarizing, containing, constituting, showing, mentioning, reflecting, pertaining to, dealing with, relating to, referring to in any way or manner, or in any way logically or factually, connecting with the matter described in that paragraph of these demands, including documents attached to or used in the preparation of or concerning the preparation of the documents.

VI. CURRENT CLAIM INFORMATION

1. Do you allege that you suffered physical and/or bodily injury related to use of a Bair Hugger system?

Yes

If "yes" : describe each bodily injury :

This request is vague, over-broad, and requires expert opinions; however, plaintiff asserts that the injuries include but are not limited to the following: Infection in her leg.

State the approximate date on which you first became aware of the injury(ies) (regardless of whether you associated the injury with the use of a Bair Hugger system) :

Unknown

If you are currently experiencing any symptoms related to an alleged injury that you attribute to use of a Bair Hugger system, describe your symptoms and any treatment you are currently receiving :

N/A (Deceased)

Describe any activities that you can no longer perform, or cannot perform as well, since the time you allege you were injured :

N/A (Deceased)

Describe any other physical harm or consequences you suffered as a result :

N/A (Deceased)

2. Do you allege that use of a Bair Hugger system worsened or aggravated a previously existing injury or condition?

If "yes," describe the previously existing injury or condition, the approximate date of onset of the previously existing injury or condition, and any treatment for and resolution of the injury or condition :

3. Do you claim damages related to emotional distress or psychological injuries as a result of use of a Bair Hugger system?

No

4. If you are claiming damages related to emotional distress, provide the following information for any psychiatrist, psychologist, or any other mental healthcare professional who has ever treated you, or who you

EXHIBIT F



**LEVIN • PAPANTONIO
THOMAS • MITCHELL
RAFFERTY & PROCTOR • P.A.**
PROFESSIONAL CORPORATION ATTORNEYS AT LAW

KIMBERLY LAMBERT ADAMS
BRIAN H. BARR
MICHAEL C. BIXBY
M. ROBERT BLANCHARD
BRANDON L. BOGLE
W. TROY BOUK
WESLEY A. BOWDEN
VIRGINIA M. BUCHANAN
WILLIAM F. CASH III
JEFF GADDY
RACHAEL R. GILMER
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MALLORY J. MANGOLD
(LICENSED ONLY IN ALABAMA
AND MISSISSIPPI)

OF COUNSEL:
LAURA S. DUNNING
(LICENSED ONLY IN ALABAMA)
BEN W. GORDON, JR.
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PAGE A. POERSCHKE
(LICENSED ONLY IN ALABAMA)

LEFFERTS L. MABIE, JR. (1925-1996)
D.L. MIDDLEBROOKS (1926-1997)
DAVID H. LEVIN (1978-2002)
STANLEY B. LEVIN (1938-2000)

RECEIVED
JUL 05 2017

June 30, 2017

BY:CK.....

VIA FEDEX

Benjamin W. Hulse
Blackwell Burke P.A.
431 South Seventh Street.
Suite 2500
Minneapolis, MN 55415
bhulse@blackwellburke.com

Re: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*
MDL No. 2666 – Deficiencies in Plaintiff Fact Sheet for Individual Case
Reuben Harrison v. 3M Company, Case No.: 0:17-cv-00570-JNE-FLN

Dear Counsel:

Pursuant to paragraph 6 of PTO 14, please see the attached documentation to cure deficiencies for the above captioned matter.

Sincerely,

Daniel A. Nigh

DAN/aw

Enclosure

Response to Deficiencies

Reuben Harrison v. 3M Company, Case No.: 0:17-cv-00570-JNE-FLN

Deficiencies cannot be cured at this time since we were just informed that the client has passed away. We will continue to work with the heirs to retrieve information in order to cure this deficiency.

EXHIBIT G

K. If you claim any loss from medical expenses, copies of all bills from any physician, hospital, pharmacy, or other healthcare provider.

L. Decedent's death certificate (if applicable).

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that all of the information provided in this Fact Sheet is true and correct to the best of my knowledge.

Yvonne M. Bozek on behalf of Edward Bozek
Print Name who is deceased.

Yvonne M. Bozek
Signature

August 4, 2017
Date

Edward R. Bozek
Print Name
(Loss of Consortium Plaintiff)

Yvonne M. Bozek
Signature

August 4, 2017
Date

EXHIBIT H

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR WARMING
DEVICES PRODUCTS LIABILITY LITIGATION

This Document Relates To:
All Actions

MDL No. 15-2666 (JNE/FLN)
[Proposed]
PRETRIAL ORDER NO. :
PLAINTIFF FACT SHEET

Plaintiff:

This Plaintiff Fact Sheet must be completed pursuant to the Pretrial Order by each plaintiff or their personal representative. Section IX must be completed by loss of consortium plaintiffs.

In completing this Fact Sheet, you are under oath and must provide information that is true and correct to the best of your knowledge. Please answer every question, and do not leave any blanks throughout this Fact Sheet. If you cannot recall all of the details requested, please provide as much information as you can. If a question is not applicable to you, please state "Not Applicable" or "N/A." If any information you need to complete this Fact Sheet is in the possession of your attorney or other representative, please consult with that attorney or representative so that you can fully and accurately respond to the questions. If you do not have room in the space provided to complete your answer, please attach as many sheets of paper as necessary to fully answer the questions. You are obligated to supplement your responses if you learn that they are incomplete or incorrect in any material respect. No answer requires any waiver of privilege.

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As used herein, the term "identify" or "identity" with respect to persons, means to give, to the extent known, the person's full name, their present or last known addresses and phone numbers.

As used herein, the term "person" means natural person, as well as corporate and/or governmental entity.

As used herein, "your attorney" refers to the attorneys that represent you individually in this lawsuit.

As used herein, the terms "Relating to," "relate to," "referring to," "refer to," "reflecting," "reflect," "concerning," or "concern" shall mean evidencing, regarding, concerning, discussing, embodying, describing, summarizing, containing, constituting, showing, mentioning, reflecting, pertaining to, dealing with, relating to, referring to in any way or manner, or in any way logically or factually, connecting with the matter described in that paragraph of these demands, including documents attached to or used in the preparation of or concerning the preparation of the documents.

I. CASE INFORMATION

1. Name of person completing this form : Richard Graham
2. State the following for the civil action which you filed :
 - a. Current case caption : Graham v. 3M Company
 - b. Current case number : 0:17-cv-01834
3. State the name, address, telephone and facsimile numbers, and e-mail address of the principal attorney representing you :
 - a. Name : Daniel A. Nigh
 - b. Firm : Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
 - c. Address : 316 S. Baylen St. Suite 600, Pensacola, FL 32502
 - d. Telephone : (850)435-7000 Fax : (850)435-7020
 - e. E-mail : dnigh@levinlaw.com
4. If you are completing this questionnaire in a representative capacity (e.g., on behalf of an estate, or incapacitated or deceased person), please state the following information about yourself :
 - a. Name : Richard Graham
 - b. Any other names (e.g., maiden name or alias) you have used or by which you have been known and the dates you used those names :
 - c. Your Address : 5623 Alexandria Dr., Temple, TX 76502
 - d. Individual or estate you are representing, and in what capacity you are representing the individual or estate : Ira DJ Graham. I am his brother.
 - e. If you were appointed as a representative by a court, state the court : N/A
 - f. Date of Appointment :
 - g. State your relationship with the represented person claimed to be injured : I am Ira Graham's brother.
 - h. If you represent a decedent's estate, state the date and the address of the place of death :

II. PERSONAL INFORMATION (re Person claiming injuries)

1. State the following regarding your personal information :

a. First Name : Ira

Middle Name : Dennis James

Last Name : Graham

b. Any other names (e.g., maiden name or alias) you have used or by which you have been known and the dates when you used those names :

N/A

c. Social Security Number :

d. Address : N/A; Plaintiff is deceased

e. State how long you have lived at your present address : Unknown at this time; Discovery is ongoing.

f. Identify all persons who lived with you at the time of the events alleged in the Complaint, and their relationship to you : Rachel Wells(fiancée)

2. Driver's license number and state issuing license : N/A; Plaintiff is deceased.

3. Date and place of birth : 01/23/1987 Unknown at this time; Discovery is ongoing.

4. Sex : Male

5. If you have Medicare, please state your HICN number (if known) : Unknown at this time; Discovery is ongoing.

6. Identify each address at which you have resided during the last ten (10) years, and list the approximate years when you started and stopped living at each one :

7. Are you currently, or have you ever been, married?

No

If "yes," for each spouse, please state the following:

Name and Address (if different from yours) of Spouse	Spouse's Date of Birth	Date Marriage Began	Date Marriage Ended	How Marriage Ended
Unknown at this time; Discovery is ongoing.				Unknown at this time; Discovery is ongoing.

8. For each of your children, please state their name and year of birth :

Children Name	Year of Birth
Unknown at this time; Discovery is ongoing.	

EXHIBIT I



**LEVIN • PAPANTONIO
THOMAS • MITCHELL
RAFFERTY & PROCTOR • P.A.**
PROFESSIONAL CORPORATION ATTORNEYS AT LAW

KIMBERLY LAMBERT ADAMS
BRIAN H. BARR
MICHAEL C. BIXBY
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(LICENSED ONLY IN ALABAMA
AND MISSISSIPPI)

OF COUNSEL:
LAURA S. DUNNING
(LICENSED ONLY IN ALABAMA)
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D.L. MIDDLEBROOKS (1926-1997)
DAVID H. LEVIN (1928-2002)
STANLEY B. LEVIN (1938-2009)

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JUN 30 2017

BY:CK.....

June 29, 2017

VIA FEDEX

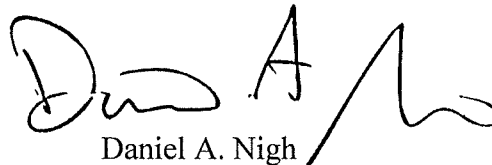
Benjamin W. Hulse
Blackwell Burke P.A.
431 South Seventh Street.
Suite 2500
Minneapolis, MN 55415
bhulse@blackwellburke.com

Re: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*
MDL No. 2666 – Deficiencies in Plaintiff Fact Sheet for Individual Case
Thomas Bond v. 3M Company, Case No.: 0:16-cv-04161-JNE-FLN

Dear Counsel:

Pursuant to paragraph 6 of PTO 14, please see the attached reverification page for previously cured deficiencies for the above captioned matter.

Sincerely,


Daniel A. Nigh

DAN/ec

Enclosure

Response to Deficiencies

Thomas Bond v. 3M Company, Case No.: 0:16-cv-04161-JNE-FLN

Reverification Page

Pursuant to cure the defendant's deficiency and abide by Pre Trial Order 14, I declare that the given response(s) are true.

REVERIFICATION

Karen Bond
Print Name

Karen Bond
Signature

6-23-2017
Date

on behalf of Thomas Bond
(wife)

EXHIBIT J



**LEVIN • PAPANTONIO
THOMAS • MITCHELL
RAFFERTY & PROCTOR • P.A.**
PROFESSIONAL CORPORATION ATTORNEYS AT LAW

KIMBERLY LAMBERT ADAMS
BRIAN H. BARR
MICHAEL C. BIXBY
M. ROBERT BLANCHARD
BRANDON L. BOGLE
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(LICENSED ONLY IN ALABAMA
AND MISSISSIPPI)

OF COUNSEL:
LAURA S. DUNNING
(LICENSED ONLY IN ALABAMA)
BEN W. GORDON, JR.
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D.L. MIDDLEBROOKS (1926-1997)
DAVID H. LEVIN (1928-2002)
STANLEY B. LEVIN (1938-2009)

July 19, 2017

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JUL 20 2017

BY: *CR*

VIA FEDEX

Benjamin W. Hulse
Blackwell Burke P.A.
431 South Seventh Street
Suite 2500
Minneapolis, MN 55415
bhulse@blackwellburke.com

Re: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*
MDL No. 2666 – Deficiencies in Plaintiff Fact Sheet for Individual Case
Thomas Bond v. 3M Company, Case No. 0:16-cv-04161-JNE-FLN

Dear Counsel:

Pursuant to paragraph 6 of PTO 14, please see attached documentation to cure deficiencies for the above captioned case.

Sincerely,

Daniel A. Nigh

DAN/ec
Enclosure

Response to Deficiencies

Bond v. 3M Company, Case No.: 0:16-cv-04161-JNE-FLN

Section IX.

1a. Karen Bond

1b. N/A

1c. Unknown

1d. 1704 S. 47th St., Quincy, IL 62305

1e. 8 years, 3 months

3. 1704 S. 47th Street, Quincy, IL 62305 December 2003 – Present

4. We were married in Sarasota, FL on February 14, 2003. We are still married.

5. We have no children together.

6. N/A

Verification Page and Exhibit B: Attached.

Reverification Page: Attached.

K. If you claim any loss from medical expenses, copies of all bills from any physician, hospital, pharmacy, or other healthcare provider.

L. Decedent's death certificate (if applicable).

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that all of the information provided in this Fact Sheet is true and correct to the best of my knowledge.

Thomas O. Bond
Print Name
[Signature]
Signature
03/17/2017
Date

Karen R. Bond
Print Name
(Loss of Consortium Plaintiff)
Karen Bond
Signature
03/17/2017
Date

EXHIBIT B

LIMITED AUTHORIZATION TO DISCLOSE HEALTH INFORMATION

(Pursuant to the Health Insurance Portability and Accountability Act "HIPAA" of 4/14/03)

TO:

Patient Name:

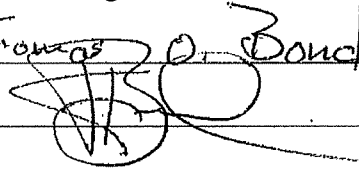
DOB:

SSN:

I, Thomas O. Bond, hereby authorize you to release and furnish to:
Faegre Baker Daniels and/or its designee copies of the following information:

- * All medical records, including inpatient, outpatient, and emergency room treatment, all clinical charts, reports, documents, correspondence, test results, statements, questionnaires/histories, office and doctors' handwritten notes, and records received by other physicians, dated from 02/2005 (seven years prior to the date of the subject surgery) to the present.
 - * All autopsy, laboratory, histology, cytology, pathology, radiology, CT Scan, MRI, echocardiogram and cardiac catheterization reports, dated from 02/2005 (seven years prior to the date of the subject surgery) to the present.
 - * All radiology films, mammograms, myelograms, CT scans, photographs, bone scans, pathology/cytology/histology/autopsy/immunohistochemistry specimens, cardiac catheterization videos/CDs/films/reels, and echocardiogram videos, dated from 02/2005 (seven years prior to the date of the subject surgery) to the present.
 - * All pharmacy/prescription records, including NDC numbers and drug information handouts/monographs, dated from 02/2005 (seven years prior to the date of the subject surgery) to the present.
 - * All billing records including all statements, itemized bills, and insurance records, dated from 02/2005 (seven years prior to the date of the subject surgery) to the present.
1. To my medical provider: **this authorization is being forwarded by, or on behalf of, attorneys for the defendant for the purpose of litigation. You are not authorized to discuss any aspect of the above-named person's medical history, care, treatment, diagnosis, prognosis, information revealed by or in the medical records, or any other matter bearing on his or her medical or physical condition, unless you receive an additional authorization permitting such discussion. Subject to all applicable legal objections, this restriction does not apply to discussing my medical history, care, treatment, diagnosis, prognosis, information revealed by or in the medical records, or any other matter bearing on my medical or physical condition at a deposition or trial.**

2. I understand that the information in my health record may include information relating to information about behavioral or mental health services and treatment for alcohol and drug abuse.
3. I understand that I have the right to revoke this authorization at any time. I understand that if I revoke this authorization, I must do so in writing and present my written revocation to the health information management department. I understand the revocation will not apply to information that has already been released in response to this authorization. I understand the revocation will not apply to my insurance company when the law provides my insurer with the right to contest a claim under my policy. Unless otherwise revoked, this authorization will expire in one year.
4. I understand that authorizing the disclosure of this health information is voluntary. I can refuse to sign this authorization. I need not sign this form in order to assure treatment. I understand I may inspect or copy the information to be used or disclosed as provided in C.F.R. 164.524. I understand that any disclosure of information carries with it the potential for an unauthorized re-disclosure and the information may not be protected by federal confidentiality rules. If I have questions about disclosure of my health information, I can contact the releaser indicate above.
5. A notarized signature is not required. C.F.R. 164.508. A copy of this authorization may be used in place of an original.

Print Name: Thomas O. Bond (plaintiff/representative)
Signature:  Date: 03/17/2017

Pursuant to cure the defendant's deficiency and abide by Pre Trail Order 14, I declare that the given response(s) are true.

REVERIFICATION

Karen Bond
Print Name

Karen Bond
Signature

6-23-2017
Date

on behalf of Thomas Bond
(wife)

EXHIBIT K

ATTORNEYS AT LAW

KRISTINE K. KRAFT, Partner
kkraft@uselaws.com

100 SOUTH FOURTH STREET, SUITE 1200
ST. LOUIS, MISSOURI 63102
(800) 873-5297
(314) 621-6115
FAX (314) 621-1365
www.uselaws.com

Belleville, Illinois

April 19, 2018

VIA E-MAIL ONLY

Benjamin Hulse, Esq.
Blackwell Burke P.A.
431 South Seventh Street, Suite 2500
Minneapolis, MN 55415
bhulse@blackwellburke.com

RE: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*
MDL No. 2666
Harper v. 3M Company et al, Case No. 0:17-cv-03055-JNE-FLN

Counsel:

We were recently notified by Plaintiff's Liaison Counsel that Joel Harper's plaintiff fact sheet is still considered deficient. Our office received your February 12, 2018 letter regarding questions II.2 and IV.1. On March 2, 2018, we diligently provided the requested information and notified Counsel via email the same day. A courtesy copy of the supplemental PFS is attached. Accordingly, please advise what additional information you believe to be outstanding so that we can resolve any remaining discovery disputes.

As a separate matter, Mr. Harper recently passed away. We are in the process of appointing the appropriate representative and will file the Suggestion of Death and Motion for Substitution within the timeframe provided in Judge Ericksen's PTO No. 23.

Sincerely,



Kristine K. Kraft

KK/sk